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APPLE INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JIZHONG CHEN,  
  
Defendant.

Case No. 5:19-cr-00056-EJD

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME TO  
RESPOND TO FEDERAL RULE OF  
CRIMINAL PROCEDURE 17(C)  
SUBPOENA TO NON-PARTY APPLE  
INC.**

STIPULATION AND [PROPOSED] ORDER  
TO EXTEND TIME TO RESPOND TO  
SUBPOENA  
CASE NO. 5:19-CR-00056-EJD

Pursuant to Criminal Local Rule 47-4, Defendant Jizhong Chen (“Mr. Chen”) and non-party Apple Inc. (“Apple”), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, Mr. Chen applied for the issuance of a subpoena to Apple in the above-captioned matter pursuant to Federal Rule of Criminal Procedure 17(c) (the “subpoena”);

WHEREAS, on February 1, 2022, the Court ordered issuance of the subpoena to Apple;

WHEREAS, the Court ordered Apple to produce documents in response to the subpoena on or before March 28, 2022 at 1:30pm;

WHEREAS, if Apple does not intend to comply with the subpoena by that date, the Court ordered Apple to file a motion to quash the subpoena and notice the hearing of that motion for March 28, 2022 at 1:30pm;

WHEREAS, counsel for Mr. Chen and Apple have met and conferred in an effort to reduce or eliminate objections that Apple may present to the Court regarding certain of the subpoena requests;

WHEREAS, Mr. Chen and Apple continue their meet and confer efforts and are hopeful that they can resolve at least some of Apple’s additional objections without involving the Court;

WHEREAS, in light of their ongoing discussions, Mr. Chen and Apple submit that it is in the interest of judicial economy and there is good cause to extend the time for Apple’s compliance with the subpoena and the hearing date of any motion to quash until June 6, 2022 at 1:30pm;

WHEREAS, Mr. Chen and Apple have agreed that, should Apple move to quash the subpoena, Apple shall file its motion by May 2, 2022, Mr. Chen shall file his opposition by May 16, 2022, and Apple shall file its reply by May 23, 2022;

WHEREAS, on March 9, 2022, counsel for Mr. Chen contacted the Court’s Courtroom Deputy to confirm the availability of June 6, 2022 for hearing any motion to quash the subpoena and, on March 10, 2022, the Court’s Courtroom Deputy responded that June 6, 2022 is available;

WHEREAS, there is a status conference in the above-captioned matter set for March 28,

2022 at 1:30pm and Mr. Chen currently anticipates stipulating to a continuance of that status conference to June 6, 2022 at 1:30pm via a separate stipulation with the government;

IT IS HEREBY STIPULATED AND AGREED (1) that Apple shall produce documents pursuant to the subpoena on or before June 6, 2022 at 1:30pm, and, if Apple does not intend to comply with any part of the subpoena by that date, it shall file a motion to quash the subpoena and notice the hearing of that motion for June 6, 2022 at 1:30pm and (2) that, should Apple move to quash the subpoena, Apple shall file its motion by May 2, 2022, Mr. Chen shall file his opposition by May 16, 2022, and Apple shall file its reply by May 23, 2022.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: March 14, 2022

NOLAN BARTON & OLMOS LLP

/s/ Daniel B. Olmos  
Daniel B. Olmos

Attorney for Defendant Jizhong Chen

Dated: March 14, 2022

O'MELVENY & MYERS LLP

/s/ David R. Eberhart  
David R. Eberhart

Attorney for Non-Party Apple Inc.

**SIGNATURE ATTESTATION**

I, David R. Eberhart, hereby attest that concurrence in the filing of this document has been obtained from the other signatory to this document.

/s/ David R. Eberhart